

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et  
al.,

Defendants.

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No. 1:25-cv-11048-ADB

**UNOPPOSED MOTION FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE* ON  
BEHALF OF THE AMERICAN COUNCIL ON EDUCATION AND OTHER HIGHER  
EDUCATION ORGANIZATIONS**

Movant the American Council on Education (ACE) respectfully moves for leave of Court to file an amicus brief in this matter, as directed by this Court's order entered on April 29, 2025. Dkt. 47. ACE seeks leave to file an *amicus* brief in support of Plaintiff's motion for summary judgment on behalf of itself and other organizations with an interest in higher-education policy.

1. This case involves an unprecedented attempt by the Executive Branch to control a university and punish that university for not ceding its autonomy to the Administration. The issues at stake in this case go to the heart of the role of higher education in society and the relationship of colleges and universities to the federal government.

2. ACE is a membership organization that acts as the major coordinating body for the nation's colleges and universities, representing a diverse membership of nearly 1,600 colleges and universities, related associations, and other organizations in America and abroad. ACE is the only major higher education institution to represent all types of U.S. accredited, degree-

granting colleges and universities. ACE regularly coordinates with other organizations concerned with issues affecting higher education to file amicus briefs.

3. On April 29, this Court adopted the parties' joint proposal to proceed directly to cross-motions on summary judgment. The Court ordered that any amicus briefs would be due by June 9, 2025, and that "[p]ermission to file amicus briefs must be sought and obtained prior to filing." Dkt. 47. The Court further ordered that any amicus briefs "may not exceed 10 pages." *Id.*

4. Pursuant to this Court's order, ACE respectfully seeks leave to file an amicus brief supporting Harvard on behalf of itself and other higher-education organizations. ACE anticipates that its amicus brief will explain the chilling effect that the Administration's unlawful actions in this case will have on other institutions of higher education, describe the legal foundations of the institutional autonomy that colleges and universities enjoy under the First Amendment, and explain the concrete values that institutional autonomy has for society as a whole.

5. ACE is coordinating with other like-minded organizations who wish to convey a similar message to the Court, in an effort to reduce the number of *amicus* briefs filed in this case. Although the arguments and ideas presented in the proposed *amicus* brief will be solely those of ACE and the other *amici* joining the brief, ACE has conferred with counsel for Harvard to determine that its brief will be sufficiently distinct from any other *amicus* brief submitted in support of Harvard in this case.

6. ACE confirms that its proposed *amicus* brief will not exceed this Court's 10-page limit.

7. ACE has consulted with counsel for Defendants, who has indicated that Defendants do not oppose this motion.

### CONCLUSION

For the foregoing reasons, ACE respectfully requests leave to file an amicus brief in support of Harvard's motion for summary judgment on behalf of itself and other interested organizations.

Respectfully submitted,

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Counsel for *Amicus Curiae*

*\*Pro hac vice application pending*

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certifies that counsel for the American Council on Education conferred with counsel for Defendants, who do not oppose this motion.

/s/ Gregory F. Noonan  
Gregory F. Noonan

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on June 4, 2025.

/s/ Gregory F. Noonan  
Gregory F. Noonan